IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.3857 OF 2004

Rajaram Balku Kumbhar ..Petitioner

Vs.

The State of Maharashtra & Ors. ..Respondents

Mr.N.V.Bhandiwadekar for Petitioner
Mr.A.P.Vanarshe, A.G.P. for Respondent Nos.1 & 2
Mr. A.M. Joshi for Respondent Nos.3 & 4

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 3RD MARCH, 2005.

P.C.

. Rule. Heard forthwith.

2. Petitioner has retired from the services of the Respondent No.3 M/s. Hindustan Organics Chemical Company, Rasayani from 1st March, 2004. It is the grievance of the Petitioner that there are still some terminal benefits which have remained to be paid and on that count he has approached this Court.

3. The case of the contesting Respondents is that they have paid most of the dues as there were some disputes in respect of some amounts those remained unpaid.

4. The dues claimed by the Petitioner are as

under :-

(i). Provident Fund dues.

(ii). Arrears of 5th Pay Commission for the period from July, 2000 to November, 2000.

(iii). Arrears of Dearness Allowance from January, 2002 to July, 2003.

(iv). Higher Secondary Allowance from December, 2000 to February, 2004.

5. In so far as arrears of 5th Pay Commission from July, 2000 to November, 2000, learned Counsel for the Company makes a statement on instructions, that the same will be paid within a period of four weeks from today. Statement accepted.

6. So far as Provident Fund is concerned learned Counsel for the Company makes a statement that the papers have already been forwarded to the Provident Fund Commissioner and they are pending there.

. The Provident Fund Commissioner to complete the exercise within a period of three months from today, if all papers are ready. If not to send

communication to the Respondent Company who will on receipt comply with the directions or remove the objections within two weeks of receipt of the communication.

. In so far as arrears of dearness allowance, at Higher Secondary Allowances are concerned as there is some dispute we direct Respondent No.2 after hearing the Petitioner and the Company to decide eligibility of the Petitioner for the same and if eligible to direct payment of the same to the Petitioner. If there be an order directing payment, company to make payment within three months thereafter.

. The parties to appear before Educational Officer on 28th March, 2005 at 11.00 a.m. Education Officer to complete exercise within a period of two months thereafter.

7. Petitioner had also prayed for pension. On behalf of the Management the learned Counsel states that there is no provision of pension scheme, hence the claim for pension cannot be entertained.

. Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)